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## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Clerk, U.S. District & Bankruptcy Courts for the District of Columbia

ANDREW U.D. STRAW,	)
Plaintiff,	)
v.	) Civil Action No. 18-0299 (UNA)
SUPREME COURT OF THE UNITED STATES,	)
Defendant.	) )

## **MEMORANDUM OPINION**

Generally, the plaintiff alleges that the Supreme Court of the United States has violated rights protected by the Fifth Amendment to the United States Constitution by "refusing to grant certiorari multiple times." Compl. ¶ 57. He demands a declaratory judgment that the Judiciary Act of 1925 is unconstitutional, id. ¶ 61, insofar as the "certiorari system . . . allows the U.S. Supreme Court to reject almost all petitions for certiorari, id. ¶ 49, including the petitions plaintiff has filed,  $see\ id$ . ¶ 52. The plaintiff also demands \$20 million in compensatory damages plus punitive damages. Id. ¶ 60.

The decision to grant or deny a petition for a writ of certiorari is within the Supreme Court's discretion, and the plaintiff's attempt to circumvent this discretionary process is not a claim over which this Court has subject matter jurisdiction. *See Gillenwater v. Harris*, No. 16-CV-495, 2016 WL 8285811, at \*1 (D.D.C. Apr. 12, 2016) (dismissing case for lack of jurisdiction where plaintiff sought "a declaratory judg[]ment that a statute and rule governing filings in the Supreme Court [were] unconstitutional"), *aff'd*, No. 16-5107, 2016 WL 6915556 (D.C. Cir. Oct. 5, 2016), *cert. denied*, \_U.S. \_\_, 137 S. Ct. 1346 (2017). Furthermore, "[t]his

court is not a reviewing court and cannot compel Supreme Court justices or other Article

III judges in this or other districts or circuits to act." *Sibley v. U.S. Supreme Court*, 786 F. Supp.

2d 338, 345 (D.D.C. 2011), *aff'd*, No. 11-5164, 2011 WL 4376121 (D.C. Cir. 2011) (per curiam); *see Panko v. Kodak*, 606 F.2d 168, 171 n.6 (7th Cir. 1979), *cert. denied*, 444 U.S. 1081 (1980) ("It seems axiomatic that a lower court may not order the judges or officers of a higher court to take an action.").

The Court will grant the plaintiff's application to proceed *in forma pauperis* and will dismiss the complaint. An Order consistent with this Memorandum Opinion is issued separately.

DATE: 3/12/18

Jhired States District Judge